



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**March 28, 2007**

---

**SUBJECT:**           **2007-0203 - Flair Hospitality** [Applicant] **Maple Tree Investors** [Owner]: Application on a 2.8-acre site located at **711 East El Camino Real** (near E. Remington Dr.) in a C-2/ECR (Highway Business/El Camino Real Precise Plan) Zoning District.

**Motion**           Special Development Permit to allow on-site alcohol sales to guests at an existing hotel (Maple Tree Inn).

**REPORT IN BRIEF**

**Existing Site Conditions**           Hotel

**Surrounding Land Uses**

North	Single-family residential
South	Auto dealerships (across El Camino Real)
East	Mixed-use shopping center/residential
West	Restaurant

**Issues**           Public safety, neighborhood compatibility

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with conditions

**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Commercial General Business	Same	Commercial General Business
<b>Zoning District</b>	C-2/ECR	Same	C-2/ECR
<b>Lot Size (s.f.)</b>	122,839	Same	No min.
<b>Gross Floor Area (s.f.)</b>	62,768	Same	No max.
<b>Lot Coverage (%)</b>	20%	Same	35% max.
<b>Floor Area Ratio (FAR)</b>	51.1%	Same	No max.

**ANALYSIS****Description of Proposed Project**

The project proposes to change the type of on-site alcohol service at an existing hotel (Maple Tree Inn). The project does not include the addition of bar areas or any other interior or exterior building modification.

Currently, the hotel has a Type 42 license from the Department of Alcoholic Beverage Control (ABC), which allows for on-site sale of beer and wine only, both to guests and to the public. Maple Tree Inn proposes to cancel their Type 42 license and obtain a Type 70 ABC license and a Type 66 ABC permit.

The Type 70 license is a restricted general license which allows for sale of beer, wine, and distilled spirits to guests of the hotel. Although this license expands the types of alcohol which can be sold on the premises, it restricts the sale of alcohol to hotel guests only. Alcohol sales to the general public are not permitted under a Type 70 license. Maple Tree Inn proposes to restrict the sale of alcohol under the Type 70 license to the hotel's breakfast area, dining area, and lobby.

Maple Tree Inn also proposes to apply for a Type 66 ABC permit, which is available to holders of a Type 70 license. The Type 66 permit allows sale of beer, wine, and distilled spirits from "minibars" in the hotel's guest rooms.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
1994-0182	Special Development Permit for a rental car agency within an existing hotel	Administrative Hearing/Approved	03/02/1994
1988-0189	Special Development Permit to enclose an existing breakfast area	Administrative Hearing/Approved	07/13/1988
1987-0124	Special Development Permit for an addition to an existing hotel	Planning Commission/Approved	09/08/1987
1984-0328	Variance for building height, parking, and landscaping	Planning Commission/Approved	02/13/1984
1984-0326	Use Permit to construct a 3-story hotel	Planning Commission/Approved	02/28/1984

**Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include projects involving existing facilities.

**Special Development Permit**

**Site Layout:** The site is located on the north side of El Camino Real between Fair Oaks Avenue and Wolfe Road. The site has one three-story building with 177 hotel rooms. There is one driveway with access on to El Camino Real. Surface parking lots provide 163 on-site parking spaces.

**Existing Alcohol Service:** The hotel currently has a Type 42 license issued by the Department of Alcoholic Beverage Control (ABC). The Type 42 license allows on-site sale of beer and wine only (no distilled spirits) to the general public between the hours of 6:00 a.m. and 2:00 a.m. without providing accompanying food service.

**Proposed Alcohol Service:** The applicant proposes to expand the sales of alcohol to also allow distilled spirits. As with the existing license, the proposed license will not require the hotel to provide food service along with alcohol

service. However, service of alcohol will no longer be provided to the general public. It will be restricted to hotel guests only. The applicant is not proposing to add bar areas or modify the building interior or exterior. The proposed project does not include any live entertainment or outdoor dining.

**Public Safety:** Staff requested comment from the Department of Public Safety on the proposed changes to the on-site alcohol service. Public Safety noted that the applicants must comply with all requirements of the Department of Alcoholic Beverage Control (ABC), but did not have any other comments about the proposed project.

**Compliance with Development Standards/Guidelines:** The project complies with all applicable development standards and guidelines, as described below.

*El Camino Real Precise Plan:* The proposed changes to on-site service of alcohol require no modification to the building. As a result, there will be no impact on the El Camino Real streetscape. The hotel use is consistent with those expected in the Precise Plan.

**Expected Impact on the Surroundings:** Staff believes this proposal for general alcohol service to guests at an existing hotel will not have a negative impact on the site or surrounding uses. Although the types of alcohol served on-site will increase, the sale of alcohol will occur within the hotel and will be restricted to hotel guests only. As a result, the proposed project is not likely to affect surrounding sites.

### **Fiscal Impact**

---

No fiscal impacts other than normal fees and taxes are expected.

### **Public Contact**

---

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 22 notices mailed to property owners and residents adjacent to the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's web site</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• Posted on the City of Sunnyvale's web site</li></ul>

Staff did not receive any public comment on this project.

## **Conclusion**

---

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Special Development Permit. Recommended Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Recommended Conditions of Approval are located in Attachment B.

## **Alternatives**

---

1. Approve the Special Development Permit with recommended conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

## **Recommendation**

---

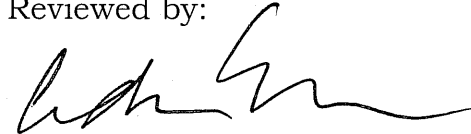
Alternative 1

Prepared by:



Mariya Hodge  
Project Planner

Reviewed by:



Andrew Miner  
Principal Planner

## **Attachments:**

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Floor Plans
- D. Letter from the Applicant

## **Recommended Findings - Special Development Permit**

Goals and Policies that relate to this project are:

### **Land Use and Transportation Element**

*Policy C4.1 – Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.*

### **Land Use and Transportation Element**

*Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

### **Precise Plan for El Camino Real**

*Goals and Policies 3.4.1 – Encourage a mixture of regional and community serving retail uses in accordance with the vision.*

- a. The following uses are permitted and encouraged:*
  - 3. Hotels/motels.*

## **Recommended Findings - Use Permit**

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The proposed addition of full alcohol service in hotel dining areas and minibars meets all development standards for the site. The proposed project will allow the hotel to provide additional services to its patrons without causing negative impacts on surrounding uses or properties.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. The proposed use is restricted to on-site alcohol service for hotel guests only, and is not likely to involve significant public safety problems, noise, or other negative impacts. As a result, full alcohol service to guests of the hotel should not be detrimental to the public welfare or injurious to surrounding properties.

**Recommended Conditions of Approval - Special Development Permit**

---

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. The project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- B. These Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain the appropriate alcohol service licenses from the Department of Alcoholic Beverage Control (ABC) and comply with all ABC license requirements. Failure to comply with all ABC requirements is grounds for revoking this permit.

## **Attachment C**

### **Site and Floor Plans**





Department of Alcoholic Beverage Control

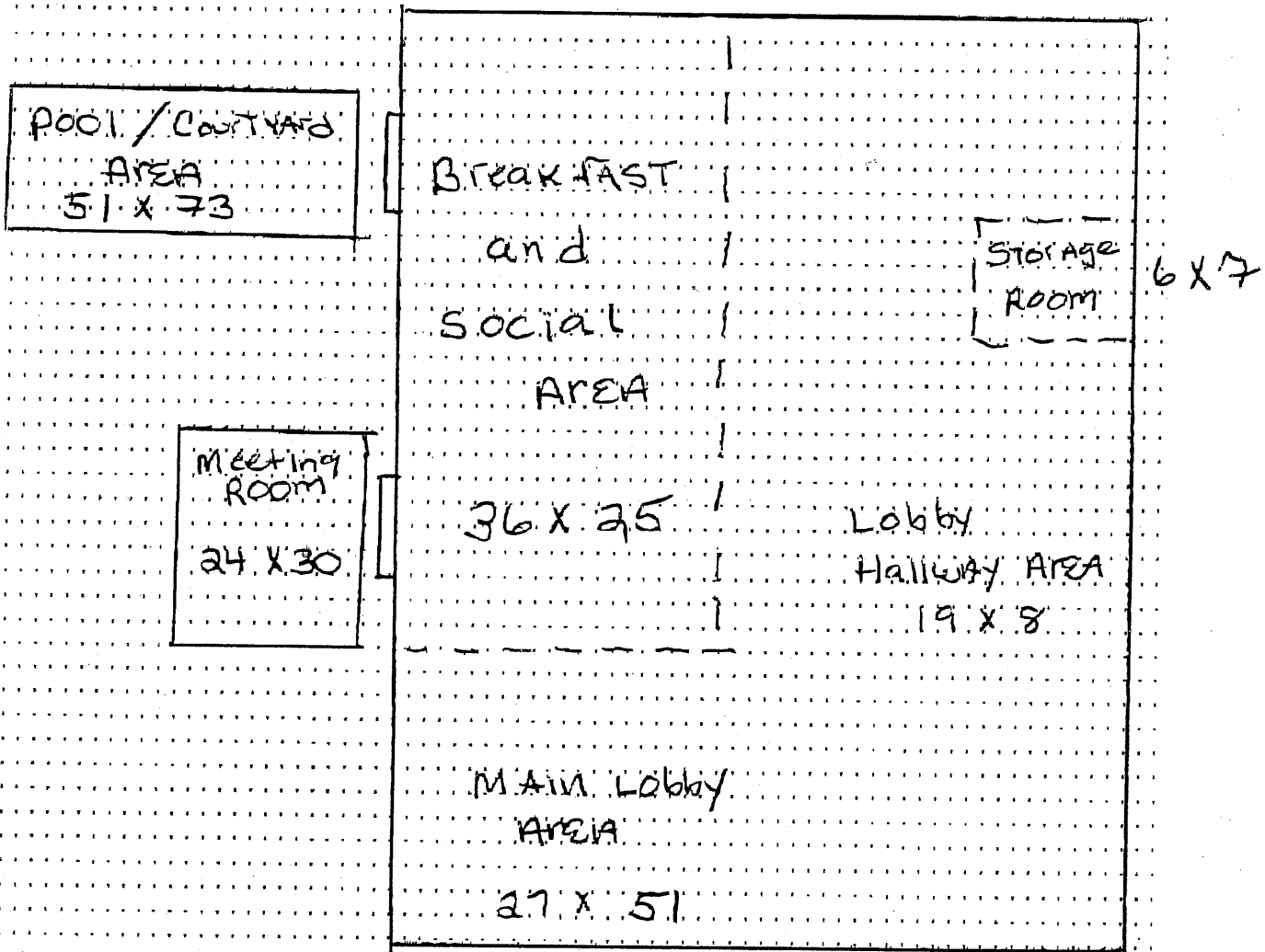
State of California

## LICENSED PREMISES DIAGRAM (RETAIL)

1. APPLICANT NAME (Last, first, middle) <u>Maple Tree Inn</u>	2. LICENSE TYPE
3. PREMISES ADDRESS (Street number and name, city, zip code) <u>711 E C Camino Real Sunnyvale, CA</u>	4. NEAREST CROSS STREET

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).

## DIAGRAM



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)	DATE SIGNED
FOR ABC USE ONLY	
CERTIFIED CORRECT (Signature)	PRINTED NAME
INSPECTION DATE	

ABC-257 (5/05)

1/8/07  
per GG  
OK

## **Attachment D**

### **Letter from Applicant**

260 CALIFORNIA STREET, SUITE 1001 SAN FRANCISCO, CA 94111 TEL: 415.362.1215 FAX: 415.362.1494



February 13, 2007

Ms. Gerri Caruso, Planner  
City of Sunnyvale  
Department of Community Development  
Planning Division  
456 W. Olive Ave.  
Sunnyvale, CA 94086

RE: Maple Tree Inn, 711 E. El Camino Real  
Flair Hospitality Management Inc.  
Special Development Permit  
Request for Change in Alcoholic Beverage Licensing

Dear Ms. Caruso:

We represent Flair Hospitality Management Inc, ("Flair") in connection with its application for a change in alcoholic beverage licensing at the Maple Tree Inn (the "Inn"), located at 711 E. El Camino Real in the City of Sunnyvale. The Inn is currently licensed with a Type 42 On-Sale Beer and Wine - Public Premises license issued by the California Department of Alcoholic Beverage Control ("ABC") to American Hotels, Inc. This license allows the Inn to operate a beer and wine bar, open to the public from 6:00 am until 2:00 am, in an area from which minors must be excluded. Food service is not required.

The change that Flair is proposing is the cancellation of the Type 42 license and the issuance of a Type 70 On-Sale General License for Restricted Service Lodging Establishments at the Inn. Flair has already applied for this license, and the ABC is poised to approve it as soon as the City's Special Development Permit is issued.

The privileges that can be exercised under a Type 70 license, (issued by the ABC under California Business & Professions Code 23396.1, copy attached), are different from those under a Type 42 license. It is an on-sale general license, permitting the service of beer, wine and spirits instead of just beer and wine. As with the Type 42 license, food service is not required. However, alcoholic beverage service is only permitted to registered guests of the Inn and their invited guests. Members of the general public may not be served alcoholic beverages under a Type 70 license. The license also permits the holder to apply for a Type 66 controlled access permit for service of beer, wine and spirits from "minibars" in the guest rooms. While Flair has not applied for a Type 66 permit, we are requesting that the City include an approval of the permit in its approval of the Type 70 license in case Flair wishes to add this amenity at a future date. The entire hotel will thus be included in the licensed premises.

Under the Type 70 license, Flair intends to serve alcoholic beverages in the breakfast/dining area and occasionally in the lobby of the Inn and to include a variety of appetizers for their guests in the afternoon and evening as a "welcome" feature at a

Ms. Gerri Caruso  
February 13, 2007  
Page 2

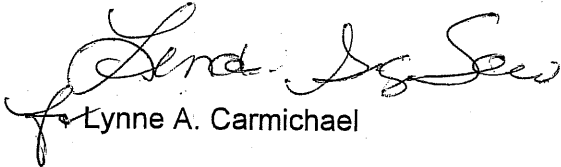
Manager's reception. This type of offering is popular among guests, and Flair believes it will draw guests to the Inn and allow the Inn to compete effectively with other lodging establishments in the area. Flair may also include alcoholic beverages in "Theme Gift Baskets" for guests who are celebrating a honeymoon, anniversary or similar special occasion, as part of special packages offered to guests.

Justification for the approval of Flair's Special Development Permit Application is based on the current uses of the property, as an upscale lodging establishment conveniently located in the heart of Silicon Valley, with service of alcoholic beverages as an incidental amenity to the Inn's guests. The Inn does not currently operate a restaurant open to the public, and its current Type 42 license does not attract many persons who are not already staying at the Inn. In this sense, the change to a Type 70 license restricting alcoholic beverage service to Inn guests is likely to have no impact on the neighborhood's orderly development or existing uses.

There will be no changes to the general appearance of the property or the uses to be made of the Inn, except that instead of operating a wine bar open to the public, Flair will offer beer, wine and spirits to its registered guests and their guests only. The new use cannot, as a matter of law, add to the number of persons using the Inn (as a restaurant or bar might). It may actually reduce traffic since only registered guests and their guests can avail themselves of the amenity. However, even if the enhanced amenity attracts more registered guests to the Inn, the change in alcoholic beverage service within the Inn to existing Inn guests will not impact or impair the existing uses being made of adjacent properties.

If you require additional information, please call me at 415-362-1215, ext. 102, or contact me via e-mail at [carmichael@beveragelaw.com](mailto:carmichael@beveragelaw.com).

Sincerely,



Lynne A. Carmichael